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7 Attorney for Defendant

GEICO GENERAL INSURANCE COMPANY

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10 **UNITED STATES DISTRICT COURT**

11 **DISTRICT OF NEVADA**

12 MILLICENT WANJOHI,

CASE NO.: 2:17-CV-*

13 Plaintiff,

14 vs.

15 GEICO GENERAL INSURANCE
16 COMPANY; DOE INDIVIDUALS I-X,
inclusive; and ROE CORPORATIONS I-X,
17 inclusive,

18 Defendants.

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20 **NOTICE OF REMOVAL**

21 COMES NOW, Defendant, GEICO GENERAL INSURANCE COMPANY ("GEICO"),
22 and hereby files this Notice of Removal of the above-described action to the United States
23 District Court for the District of Nevada, from the Eighth Judicial District Court of the State of
24 Nevada, where the action is now pending, as provided 28 U.S.C. § 1441, and states:

- 25 1. GEICO is the Defendant in the above entitled action.
- 26 2. The above-entitled action was commenced in the Eighth Judicial District Court of
- 27 the State of Nevada and is now pending in that court. Process was served on Defendant on

1 November 3, 2017. A copy of the plaintiff's complaint setting forth the claim for relief upon
2 which the action is based was first received by the Defendant on or about November 4, 2017.

3 3. The United States District Court for the Eighth Judicial District of Nevada has
4 jurisdiction by reason of diversity of citizenship of the parties. Plaintiff, MILLICENT
5 WANJOHI, has represented that she is a resident of Nevada. GEICO is now, and at the time
6 the state action was commenced incorporated in, and with its principal place of business in,
7 Maryland. No change of citizenship of parties has occurred since the commencement of the
8 action. No named Defendant is a citizen of the state where the action was brought.

9 4. The action is a civil action for breach of contract and unjust enrichment, related to
10 an alleged insurance policy with a \$100,000.00 limit. Plaintiff has previously made a demand
11 for \$100,000.00 and seeks in this action for general and special damages, in an amount in excess
12 of \$15,000.00. The potential for punitive damages alone exceeds the monetary jurisdictional
13 amount of \$75,000.00. See, Woodward v. Newcourt Commercial Financial Corporation, 60 F.
14 Supp. 2d 530, 532 (D.S.C. 1999).

15 5. A copy of all process, pleadings, and orders served upon Defendant is filed with
16 this notice as Exhibit "A" pursuant to 28 U.S.C. § 1446(a).

17 6. Defendant will give written notice of the filing of this notice as required by 28
18 U.S.C. § 1446(d).

19 7. A copy of this notice will be filed with the clerk of the Eighth Judicial District
20 Court as required by 28 U.S.C. § 1446(d).

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1 WHEREFORE, Defendant GEICO hereby requests that this action proceed in this Court
2 as an action properly removed to it.

3 Dated this 20th of November, 2017.

4 PYATT SILVESTRI

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6 JAMES P. C. SILVESTRI, ESQ.

7 Nevada Bar No. 3603

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701 Bridger Avenue, Ste. 600

Las Vegas, NV 89101

Attorneys for Defendant

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11 **CERTIFICATE OF SERVICE**

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13 I HEREBY CERTIFY that a copy of the foregoing **NOTICE OF REMOVAL** was
14 deposited in the United States Mails at Las Vegas, Nevada, postage fully prepaid, this 20 day
15 of November, 2017, a true and correct copy addressed to the following:

16 Bryan H. Blackwell, Esq.
17 RICHARD HARRIS LAW FIRM
18 801 South Fourth Street
Las Vegas, NV 89101
19 Bryan.Blackwell.@RichardHarrisLaw.com
20 *Attorney for Plaintiff*

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22 
23 An employee of PYATT SILVESTRI